REMARKS

A. Background

Claims 1, 2, 4-11, and 13-17 were pending in the application at the time of the Office Action. All of the pending claims were rejected as being anticipated by or obvious over cited art. By this response applicant has amended claims 1, 10, and 15. As such, claims 1-2, 4-11, and 13-17 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Claim Amendments

Applicant has herein amended claims 1, 10, and 15 to further clarify, more clearly define, and/or broaden the claimed inventions to expedite receiving a notice of allowance. For example, claims 1, 10, and 15 have been amended to recite that a trading group is created and/or stored when the second trading entity is registered by the first trading entity, the trading group including the first trading entity and the second trading entity. Claims 1, 10, and 15 have also been amended to recite that the data communicated to other trading entities in response to the server receiving the requested supply chain data is done in accordance with the trading group. The amendments to the claims are supported in the application at least at page 9, lines 9-16 of the specification. In view of the foregoing, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Claim Rejections Based on 35 USC § 102

Paragraphs 2-6 of the Office Action reject claims 10, 11, and 14-16 under 35 U.S.C. § 102(e) as being anticipated by Clark (US 2005/0209950). Applicant respectfully traverses this rejection and submits that *Clark* does not anticipate the rejected claims because *Clark* does not include each and every limitation recited in the rejected claims. Of the rejected claims, claims 10 and 15 are independent claims.

As noted above, independent claims 10 and 15 have been amended to recite "creating" (claim 10) or "storing" (claim 15) "a trading group when the second trading entity is registered by the first trading entity, the trading group including the first trading entity and the second trading entity," and that the data communicated to other trading entities in response to the server receiving the requested supply chain data is done "in accordance with their profile and trading group." Applicant submits that *Clark* does not teach or suggest the above claim limitations. *Clark* teaches only that two trading partners in an existing group (i.e., members of directory 116)

might be able to find each other and register their interest. There is no provision in *Clark* for a first trading entity to add trading participants and thereby create a new group and to communicate data related to supply chain data to one or more other of said trading entities in accordance with their profile and trading group.

Clark does not teach or suggest creating or storing a trading group. Instead, *Clark* merely teaches formalizing a relationship between two trading partners. This is distinct from a trading group. The distinction is apparent from considering another limitation of the independent claims which advantageously communicates data related to said supply chain data to one or more other of said trading entities in accordance with their profile and trading group. *Clark* does not teach or suggest communicating data in accordance with a profile and instead requires an onerous formalization of the relationship (see paragraph [0049] of *Clark*). By communicating data related to the supply chain data in accordance with a profile and trading group, the invention defined by the amended claims is able to achieve some unique advantages.

For example, it provides an enhanced ability for a first trading entity to attract and build new business relationships. This is a very real commercial advantage in a competitive business environment. In today's competitive business climate the inventor's claimed invention reduces the workload for a business' clients. In doing so, the presently claimed invention makes it easier to attract and retain clients. These advantages are apparent by comparing the claimed invention to the cited document. Many businesses operating in today's time-poor, competitive business environment need to interact with other businesses. The first choice for a particular business entity is between doing business with a company using a method such as is disclosed in *Clark*, wherein a first trading partner merely has the ability to register interest with a second trading partner and nothing will progress unless there is a fortuitous and timely mutual interest. The second choice is to do business with a company using the method of the present claimed invention, wherein as a client a profile is created by a service provider and the profile is added to a group and data related to relevant supply chain data is communicated to the business entity and at least one trading partner in accordance with the profile and trading group.

The choice is simple. The business entity would choose the system and method that makes it easier for the business entity to do business. A client would choose the system and method that makes it easier for the client to operate. A service provider would choose the system and method that makes it easier for the service provider to attract and retain clients. In sum, for

all of the above parties, the presently claimed invention would be chosen over *Clark*. As such, it is clear that the invention defined by the amended claims has real world commercial advantages.

Furthermore, notwithstanding the Examiner's rejection thereof, Applicant maintains that the arguments presented in the prior Response to Office Action, submitted on November 25, 2009, are still valid. That is, Applicant maintains that *Clark* fails to disclose or suggest informing the second trading entity via the server and the communications network that they have been registered by said first trading entity as a trading partner of said first trading entity," as recited in claims 10 and 15, for the reasons set forth in the prior Response.[1]

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[1] From the prior Response: [T]he Examiner alleges that *Clark* discloses a method of managing supply chain data that includes "registering with said server at least one second trading entity as a trading partner of said first trading entity, said registering performed by said first trading entity," as generally recited in claims 10 and 15. In doing so, the Office Action cites to paragraph [0049] of *Clark*.

However, paragraph [0049] of *Clark* recites that:

> "When a first trading partner has found a second trading partner it is interested in collaborating with, the first trading partner registers its interest in the second trading partner. This interest is either accepted or rejected by the second trading partner." (Emphasis added)

As such, *Clark* does not disclose or suggest that the first trading entity registers the second trading entity as a trading partner of the first trading entity. Instead, *Clark* teaches that the first trading entity registers an interest in the second trading entity. In *Clark*, the second trading entity then decides whether it wishes to be a trading partner of the first trading entity.

Also in paragraph 4 of the Office Action, the Examiner alleges that *Clark* further discloses "informing said second trading entity via said server and said communications network that they have been registered by said first trading entity as a trading partner of said first trading entity," as generally recited in claims 10 and 15. In doing so, the Office Action again cites to paragraph [0049], as well as paragraphs [0050] - [0051] of *Clark*.

However, paragraphs [0050] - [0051] of *Clark* recite that:

> [0050] Once two trading partners have agreed that they have an interest in each other, they can proceed with formalizing the relationship. Legal to legal (L2L) communications can proceed through the trading partner server 110. Documents such as non-disclosure agreements can be handled electronically as can all other workflow product.
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> [0051] The collaborative aspect of day-to-day communication between trading partners (either machine collaborator or human collaborator) is accomplished through the trading partner server 110. The trading partner server 110 provides ongoing translation of each trading partner's business processes into each other trading partner's business processes, and it enforces the business rules specified by each trading partner." (Emphasis added)

As such, *Clark* does not disclose or suggest informing the second trading entity via the server and the communications network that they have been registered by said first trading entity as a trading partner of said first trading entity. As stated above, *Clark* specifies that the second trading entity only chooses whether it wishes to be a trading partner of the first trading partner. In *Clark*, the second trading partner decides whether it wishes to be a trading partner of the first trading partner by accepting or rejecting the interest registered in it by the first trading partner. Therefore, *Clark* cannot disclose or suggest informing the second trading entity that they have been registered by the first trading entity as a trading partner of the first trading entity.

Applicant further submits that it would not have been obvious to modify *Clark* to incorporate the limitations discussed above. The purpose of *Clark* is "to provide a technique for allowing trading partnerships to be forged within an electronic communications framework, while allowing each trading partner to retain its unique business methods and processes without compromise of business to business interactions." Paragraph [0007]. Hence, *Clark* is directed to methods and apparatus "for business to business communication among trading partners that use differing business rules and processes. ... A trading partner server maintains a directory of trading partners

In light of the above, Applicant submits that *Clark* does not disclose or suggest each and every limitation recited in independent claims 10 and 15. Accordingly, Applicant respectfully requests that the anticipation rejection with respect to independent claims 10 and 15 be withdrawn.

Claims 11, 14, and 16 depend from claims 10 and 15 and thus incorporate the limitations thereof. As such, Applicant submits that claims 11, 14, and 16 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 10 and 15. Accordingly, Applicant respectfully requests that the anticipation rejection with respect to claims 11, 14, and 16 also be withdrawn.

D. Claim Rejections Based on 35 U.S.C. § 103

1. Rejections based on combination of Eicher and Clark

Paragraphs 7-15 of the Office Action reject claims 1, 2, 4-7, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Eicher Jr. et al. (US 2002/0099598) in view of *Clark*. Specifically, the Office Action asserts that *Eicher* discloses the limitations of the rejected claims, but concedes that *Eicher* does not disclose "wherein said server informs said second trading entity via said communications network that they have been registered by said first trading entity following registration of said second trading entity by said first trading entity," as recited in independent claim 1. The Office Action alleges that it would have been obvious to add this limitation to *Eicher* based on *Clark*. Applicant respectfully traverses this rejection.

As noted above, independent claim 1 has been amended to recite "a trading group created when the second trading entity is registered by the first trading entity, the trading group including the first trading entity and the second trading entity," and that the data communicated to other

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and a business profile associated with each of those trading partners. The business profile includes information regarding attributes descriptive of the trading partner. Attributes include information regarding rules and processes used by the trading partner, so other potential trading partners can decide if they would like to collaborate with that trading partner." Paragraph [0008]. The first trading partner registers its interest in the second trading partner. This interest is either accepted or rejected by the second trading partner." Paragraph [0049]

In contrast, the present invention is directed to improved supply chain data management systems, methods and apparatus in which the first trading entity registers one or more second trading entities as trading partners of the first trading entity. In the present invention, the first trading entity is therefore registering as trading partners second trading entities with whom it is already a trading partner. *Clark* on the other hand allows a first trading partner to only register an interest in a second trading partner, which is either accepted or rejected by the second trading partner. Only if the interest is accepted will a trading partnership be formed. In preferred embodiments of the present invention, the first trading entity creates the profile for each second trading entity as well as its own profile to ensure that information transmitted to and received from the second trading entities is only of the type, format and timeliness required by the respective trading entities.

trading entities in response to the server receiving the requested supply chain data is done "in accordance with their profile and trading group." Applicant submits that the allegedly obvious combination would not teach or suggest the above claim limitations.

As discussed above with respect to claims 10 and 15, *Clark* fails to generally teach the above limitations. Applicant further submits that *Eicher* also fails to teach the above limitations. And as discussed above, Applicant submits that, contrary to the assertion of the Office Action, *Clark* fails to disclose or suggest informing the second trading entity via the server and the communications network that they have been registered by said first trading entity as a trading partner of said first trading entity," as recited in claim 1, for the reasons set forth in the prior Response.

As such, even if, *arguendo*, *Eicher* and *Clark* were combined in the allegedly obvious manner set forth in the Office Action, the resulting combination would still not include every limitation recited in the rejected claims. In light of this, Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness regarding claim 1 at least because the Office Action has not established that all of the claim limitations are disclosed in the allegedly obvious combination. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claim 1 be withdrawn.

Claims 2, 4-7, and 9 depend from claim 1 and thus incorporate the limitations thereof. As such, Applicant submits that claims 2, 4-7, and 9 are distinguished over the cited art for at least the same reasons as discussed above with regard to claim 1. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 2, 4-7, and 9 also be withdrawn.

2. Rejections based on further cited art

Paragraphs 16 and 17 of the Office Action reject claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Eicher* in view of *Clark* and further in view of Zarefoss et al (US 2002/0138324). Paragraphs 18 and 19 of the Office Action reject claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Clark* in view of *Zarefoss*. *Zarefoss* is merely cited for allegedly disclosing various types of specific supply chain data. Applicant respectfully traverses this rejection.

Claims 8 and 17 respectively depend from claims 1 and 15 and thus incorporate the limitations thereof. As such, Applicant submits that even if, *arguendo*, the references were

combined in the allegedly obvious manners set forth in the Office Action, claims 8 and 17 do not cure the deficiencies of claims 1 and 15 as discussed above. Thus, claims 8 and 17 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 1 and 15. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 8 and 17 be withdrawn.

E. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1, 2, 4-11, and 13-17 as presented herein.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 17th day of May 2010.

Respectfully submitted,

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